

Full Council

Date:	18 June 2019
Title:	Elms Park Improvements
Contact Officer:	Graham Hunt, Town Clerk

Purpose of Report

1. To provide background for a discussion on next steps to be taken in relation to improvements to Elms Park.

Background

2. Reserved Matters planning permission was granted on 17 November 2016 for the agreed improvement scheme to Elms Park.
3. At the Council meeting on 24 January 2017 it was agreed that the implementation project be put on hold until there was more clarity on available funding. A large part of the funds required are dependent on a £300k s106 contribution from the development of the adjacent site at The Elms / Elms Field.
4. At a meeting with Rectory Homes on 14 June 2016 to discuss the Reserved Matters planning application, the total cost of the improvements at approximately £620k was discussed. Rectory Homes confirmed that they were amenable to discussions re increasing their £300k contribution, but only as part of their alternative development plans.
5. It was also noted later that the £300k contribution is slightly complicated by the fact that its original justification includes some items that Rectory Homes are committed to provide separately through the original s106 agreement (i.e. initial MUGA removal ahead of its replacement and additional pathways).
6. There have been various recent suggestions made that the Town Council should now proceed with the improvement project regardless of the lack of progress with the development on the adjacent Elms Field.
7. As part of the current appeal process for a revised proposal for Elms Field, it has been established that the planning permission for Elms Park improvements as granted has now expired. The requirement for the original outline planning application was through Policy HA4 of the Thame Neighbourhood Plan. The requirement for the subsequent Reserved Matters planning application was agreed to be progressed by the Town Council as part of the original s106 agreement.
8. The Town Council (via the Open Spaces Working Group) employed The Environment Partnership (TEP) to progress the Reserved Matters planning application to conclusion, which through wide public consultation established a strong evidence base for the actual improvements required and the likely cost of full implementation. This also had the additional benefit of the Town Council, as landowners, remaining in full control of what improvement should be made to their land.
9. It is the Town Clerk's view that most of what was included in the Reserved Matters planning application can actually be implemented through Class A of Part 12 of the Town and Country Planning (General Permitted Development) (England) Order 2015 i.e. for the Elms Park improvement project to continue, no further planning application or consent is required.

10. To comply with Policy HA4, as part of their appeal, Rectory Homes may need to re-instate the planning permission. That will be up to Rectory Homes to progress as required. As the land belongs to the Town Council, it is expected that any such renewal would involve Rectory Homes employing The Environment Partnership directly to submit a new full planning application, as far as possible identical to that combined Outline / Reserved Matters planning application which has now expired.
11. The Town Clerk has requested a discussion with the SODC Planning Appeals Officer to discuss the s106 history and how it maps to any potential new s106 agreement that would be required as part of the revised Rectory Homes plan and their related appeal.
12. Rectory Homes have requested a meeting with the Town Clerk and the NPCO, now set for 13 June 2019, to discuss "Elms Park Improvements and S106".
13. The Town Clerk recommends that the Open Spaces Working Group (OSWG) be reconvened to plan the incremental implementation of the agreed improvements to Elms Park, working in conjunction with the recently reformed Friends of Elms Park and possibly the re-employment of TEP as overall implementation managers (as originally expected), whilst taking into account the implications of the existing s106 agreement and any changes to the planned development on the adjacent Elms Field.

Resource Appraisal

14. What has been agreed as required is a major project. Resources will be significant in terms of both time and money.
15. The time aspect will impact on the ability to deliver other projects on the current list of 84 projects already underway.
16. An initial budget of £40,000 could be allocated from the Capital Receipts Reserve for the OSWG to make a start and establish precise phased funding requirements.
17. There is approximately £20,000 in other development s106 agreements for play equipment provision, either directly allocated to Elms Park, or could be allocated to the Elms Park improvement project.
18. There is £12,639 in the Music in the Park / Friends of Elms Park reserve that has always planned to be allocated to specific enhancements such as seating / lighting.
19. There is potential that the full £620k (minus the other s106 / reserve amounts above) may ultimately be required from the Capital Receipt Reserve, but a phased, prioritised approach should give time for the establishment of other funds.

Risk Assessment

20. The main risk is that the Town Council may ultimately have to fund the entire improvement.
21. Around £20,000 has already been forward spent against the Elms Field s106 agreement in progressing the Reserved Matters planning application. The funding source may need to be reallocated to the Capital Receipts Reserve if the Elms Field development does not continue in its current form.

22. There is a reputational risk in not progressing. It is already more than 2.5 years since expectations in the community were raised.

Legal Powers: There are a variety of historic but still extant Open Space / Recreational Powers: (Public Health Act 1875 s164; Open Spaces Act 1906 ss 9-10; Local Government (Miscellaneous Provisions) Act 1976 s19) as well as the General Power of Competence: Localism Act 2011 ss 1-8

Recommendation:

- i) that the Open Spaces Working Group is reconvened with a brief to establish a phased project plan for the implementation of improvements to Elms Park, in line with the content of this report.***